THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 29

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JURGEN PLOG, THOMAS E.F. WILLE,
and RALPH VON VIGNAU

Appeal No. 95-0665
Application 08/082,326[1]

ON BRIEF

Before HAIRSTON, KRASS and LEE, Administrative Patent Judges.

LEE, Administrative Patent Judge.

ON REQUEST FOR RECONSIDERATION

On April 15, 1998, we rendered a decision sustaining the rejection of claims 6-8 and reversing the rejection of claim 9. The appellants have filed a request for reconsideration

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[1] Application for patent filed June 24, 1993. According to appellants, this application is a continuation of Application No. 07/554,603, filed July 18, 1990, now abandoned, which is a continuation of Application No. 07/369,567, filed June 21, 1989, now abandoned.

(Paper No. 28), contending that claims 6-8 are patentable over art.

In the request for reconsideration, the appellants point out

that in column 26, lines 36-40 of Frieder, the reference to granting access to the main store on a "fixed priority basis" does not contemplate interrupting an already commenced but yet unfinished memory access to accommodate a higher priority memory access. The appellants refer to column 27, lines 31-49 of Frieder and state that once access to memory is granted based on the fixed priority scheme, the access is completely performed before the arbitration circuit is released for granting the next access to memory.

The appellants have, evidently, misinterpreted our opinion. We did not express the view that Frieder itself discloses having a high priority memory access interrupt a low priority memory access in mid-stream. Apparently, as pointed out by the appellants, it does not. The rejection is one for obviousness under 35 U.S.C. § 103, not for anticipation under 35 U.S.C.

§ 102.

Frieder discloses that access to memory by the various processors including execution and auxiliary processors are granted on a "**fixed priority basis**". That would have reasonably informed one with ordinary skill in the art that some processors are higher ranked in priority as far as a memory access is concerned. In our initial decision, we noted that the concept of

an interrupt is not foreign in Frieder and pointed out that Frieder specifically discloses interrupting an auxiliary processor's activities when an execution processor needs the services of the auxiliary processor. We then concluded that it would have been prima facie obvious to one with ordinary skill in the art that the memory access of a less privileged processor can get interrupted by the memory access request of a higher privileged processor and thus not get completed until later. With an appreciation for interrupts, one with ordinary skill in the art would have readily recognized that it is not necessary that something not yet finished be allowed to continue to the end if a higher priority activity is pending. Nothing in the request for reconsideration persuades us that our conclusion is incorrect.

It should be noted that teachings from a reference are not limited to the preferred embodiments or the specific working examples in the reference. In re Burckel, 592 F.2d 1175, 1179, 201 USPQ 67, 70 (CCPA 1979); In re Bode, 550 F.2d 656, 661, 193 USPQ 12, 17 (CCPA 1977); In re Snow, 471 F.2d 1400, 1403, 176 USPQ 328, 329 (CCPA 1973). A reference is good not just for what it expressly teaches but also for what it would have reasonably suggested to one with ordinary skill in the art. In re Lamberti, 545 F.2d 747, 750, 192 USPQ 278, 280 (CCPA 1976).

The appellants make other arguments specifically addressing how the various registers means identified by the examiner in the examiner's answer on page 5 do not satisfy the claimed register means for each processor. However, because the examiner's position is explained in the examiner's answer, the place for presenting arguments against it is in the reply brief. The appellants may not raise these arguments for the first time in a request for reconsideration. Accordingly, these arguments are not considered.

Conclusion

For the foregoing reasons, the request for reconsideration is granted in the sense that we have reconsidered our initial decision. However, for reasons explained above, we decline to make any change in our initial decision.

KENNETH W. HAIRSTON Administrative Patent Judge	)	
ERROL A. KRASS Administrative Patent Judge	)	BOARD OF PATENT APPEALS AND INTERFERENCES
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